IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

R. P. No. 686 of 2006()

AGAINST THE JUDGEMENT/ORDER IN AS.609/1996
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REVIEW PETITIONERS/RESPONDENTS
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1. STATE OF KERALA, REP. BY THE
CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. SUPERINTENDING ENGINEER,
PWD ROADS & BRIDGES, SOUTH CIRCLE,
THIRUVANANTHAPURAM.

BY ADV. SRI. BENNY GERVASIS, GOVERNMENT PLEADER

RESPONDENTS: PETITIONER

JOSEPH PALAKKAN, GOVERNMENT CONTRACTOR,
`PALAKKAL', THIRUNALLOOR, PALLIPPURAM VILLAGE,
SHARTHALI TALUK, ALLEPPEY DISTRICT.

BY ADV. SRI.JOHNSON MANAYANI

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 24/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ

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C.M. Appl. No. 858/2006 & R.P. NO. 686 OF 2006

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Dated this the 24th day of January 2007

ORDER

Udayabhanu, J

State has filed the review petition seeking to condone the delay of 569 days. It is mentioned that certified copy was received on 20.12.2004. The present application is filed on 20.07.2006. It is stated that the judgment was forwarded to the Superintending Engineer and the Superintending Engineer sent the file to the office of the Advocate General on 04.07.2006. The date on which the judgment has been forwarded to the Superintending Engineer is not specified. We find that the reason mentioned is hardly sufficient to condone the delay of about 2 years. Moreover, we find that there is nothing wrong in the judgment portion granting interest, that is, at 12 per cent on the principal sum till the date of decree and thereafter at the rate of 6 per cent on the principal sum till realisation. We find no substance in this regard also. Hence the Petition to condone delay is dismissed.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE.

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